

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2013-109426-001 SE

12/02/2013

CR2012-121949-001 SE

CR2013-420513-001 SE

HONORABLE MARGARET R. MAHONEY

CLERK OF THE COURT

G. Vacanari

Deputy

STATE OF ARIZONA

MARY-ELLEN WALTER

v.

COREY ALLEN CROWE (001)

AMANDA C MARTIN

COMM. KAISER

PRETRIAL SERVICES AGENCY-CCC

INITIAL PRETRIAL CONFERENCE/
COMPREHENSIVE PRETRIAL CONFERENCE

9:25 a.m. This is the time set for Status Conference in CR2013-109426-001, Comprehensive Pretrial Conference in CR2013-420513-001, and Non-Witness Violation Hearing in CR2012-121949-001.

Courtroom SCT 8A

| | |
|-----------------------|---------------------------------|
| State's Attorney: | Ed Leiter for Mary-Ellen Walter |
| Defendant's Attorney: | Amanda Martin |
| Defendant: | Present |

Court Reporter, Tara Kramer, is present.

A record of the proceeding is also made by audio and/or videotape.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2013-109426-001 SE
CR2012-121949-001 SE
CR2013-420513-001 SE

12/02/2013

AS TO CR2013-109426-001:

The Court has conducted an initial pretrial conference (IPTC) this date.

Counsel for the Defendant informs the Court the plea offer expires on 01/13/2014.

Based upon the avowals made to the Court by the parties, the Court finds/orders as follows:

The Court finds that the State did comply with Rule 15.1(a) as previously ordered by the Court.

The State has complied with all discovery.

The Defense has complied with all discovery under Rule 15.2(b).

IT IS FURTHER ORDERED that the State and the Defendant shall comply with Rule 15.1(e) and Rule 15.2(e) within 25 days of the IPTC.

Any request to extend the deadline set this date must be done pursuant to Rule 15.6(d). Failure to request an extension may result in the preclusion of the evidence.

IT IS ORDERED directing counsel to set up and participate in a settlement conference prior to the plea cut off date or the comprehensive pretrial conference, whichever is the earliest date.

IT IS FURTHER ORDERED that pursuant to Rule 17.4(a) that counsel with authority to settle the case shall participate in a good faith discussion with the settlement court regarding a non-jury or no-trial resolution which conforms to the interests of justice.

IT IS FURTHER ORDERED that counsel for Defendant shall conduct a conflicts check for all witnesses listed by the State, and if necessary counsel for Defendant shall file a Motion to Withdraw.

IT IS ORDERED setting a **Comprehensive Pretrial Conference for 01/23/2014 at 8:30**

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2013-109426-001 SE
CR2012-121949-001 SE
CR2013-420513-001 SE

12/02/2013

a.m. before this Court.

COMPREHENSIVE PRETRIAL CONFERENCE:

IT IS ORDERED that the attorneys for both the State and Defense be prepared to provide the court with the following information at the Comprehensive Pretrial Conference (CPTC):

A. The status of plea negotiations. This includes whether or not the State has tendered an offer; if so, when it expires; the results of the settlement conference; and whether or not a Donald advisement is required.

B. The status of disclosure by both the State and Defense. This includes what discovery has been disclosed and what discovery still needs to be disclosed. If any discovery is left undisclosed, it is required that all parties comply with Rule 15.6 and provide appropriate affidavits.

C. The number of days required for trial.

D. The number of witnesses to be used at trial, including any out of town witnesses. And the number of expert witnesses to be used at trial.

E. The status of interviews. This includes how many interviews have been conducted and how many are left to complete. This includes whether or not any depositions are going to be required. If depositions are required, it is ordered that the party file a motion requesting same no later than two days before the CPTC date.

F. Whether or not an interpreter is going to be required for either a witness or the defendant or both.

G. The number of jurors required for trial along with the recommended number of alternates.

H. Whether or not the State is requesting an aggravating factors trial to the jury.

I. Any special jury instructions.

12/02/2013

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2013-109426-001 SE
CR2012-121949-001 SE
CR2013-420513-001 SE

12/02/2013

Master Calendar Assignment Judge located in Courtroom 5B in the South Court Tower.

LAST DAY REMAINS:: 04/20/2014

IT IS FURTHER ORDERED affirming **Status Conference/Possible Change of Plea on 01/13/2014 at 8:15 a.m.** before Commissioner Mulleneaux.

A DEFENDANT'S FAILURE TO APPEAR AT THE COMPREHENSIVE PRETRIAL CONFERENCE, THE FINAL TRIAL MANAGEMENT CONFERENCE OR THE TRIAL MAY RESULT IN A BENCH WARRANT BEING ISSUED FOR HIS OR HER ARREST AND THE CPTC AND TRIAL BEING CONDUCTED IN THE DEFENDANT'S ABSENCE.

THE TRIAL DATE SHALL NOT BE CONTINUED UNLESS A WRITTEN MOTION TO CONTINUE IS FILED WITH THE MASTER CALENDAR ASSIGNMENT JUDGE AT LEAST 5 DAYS BEFORE THE TRIAL. A CONTINUANCE WILL NOT BE GRANTED UNLESS THE MOTION SHOWS THAT EXTRAORDINARY CIRCUMSTANCES EXIST. (Rule 8.5, Rules of Criminal Procedure and guidelines thereto.)

Defendants seeking reconsideration rulings of the Court on a Motion to Modify Release conditions or a Motion for Rule 11, said motion shall be done by a Motion for Reconsideration. All Motions for Reconsideration, however denominated, shall be submitted without oral argument or without response or reply. No Motion for Reconsideration shall be granted without the Court granting an opportunity for a Response.

NOTICE: IF AN INTERPRETER IS NEEDED FOR A VICTIM OR A WITNESS FOR ANY HEARING, IT IS THE RESPONSIBILITY OF COUNSEL TO NOTIFY THE COURT BEFORE WHICH THE HEARING IS SCHEDULED 48 HOURS IN ADVANCE OF THE HEARING. (TEN BUSINESS DAYS FOR ANY LANGUAGE OTHER THAN SPANISH).

AS TO CR2013-420513-001:

This is the time set for Comprehensive Pretrial Conference.

Status of the case is discussed.

Comprehensive Pretrial Statement:

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2013-109426-001 SE
CR2012-121949-001 SE
CR2013-420513-001 SE

12/02/2013

A. Status of Case: A plea offer was made. The offer expires on 01/13/2014. A settlement conference was not held. A Donald advisement was not made.

B. Status of Disclosure: Disclosure is completed.

C. The number of days for trial is expected to be 4.

D. The number of witnesses (combined for both sides) is expected to be 4. The number of out of state witnesses is unknown. The number of expert witnesses is expected to be 2.

E. Status of the interviews: The number of interviews completed is 0. The number of interviews left to complete is all. The number of depositions required is 0.

F. An interpreter is not required for this trial.

G. The number of jurors required for this trial is 12. The number of requested alternates is 2.

H. The State is requesting an aggravating factors trial to the jury.

I. Counsel has not submitted special jury instructions.

J. Counsel has not requested a lesser-included offense.

K. A substantive motion is not anticipated by one or more of the parties.

L. A motion in limine is not anticipated by one or more of the parties.

IT IS ORDERED affirming **Final Trial Management Conference (FTMC) on 03/12/2014 at 8:30 a.m.** before this Court.

IT IS FURTHER ORDERED affirming the **Firm Trial Date of 03/20/2014 at 8:00 a.m.** before the Master Calendar Assignment Judge in Courtroom 5B in the South Court Tower. All subpoenaed witnesses are to report to Courtroom 5B in the South Court Tower for trial and will be directed to the trial court from there.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2013-109426-001 SE
CR2012-121949-001 SE
CR2013-420513-001 SE

12/02/2013

IT IS FURTHER ORDERED affirming **Status Conference/Possible Change of Plea on 01/13/2014 at 8:15 a.m.** before Commissioner Mulleneaux.

IT IS FURTHER ORDERED setting **Status Conference on 01/23/2014 at 8:30 a.m.** before this Court, to be heard in conjunction with Comprehensive Pretrial Conference in CR2013-109426-001 and Non-Witness Violation Hearing in CR2012-121949-001.

IT IS FURTHER ORDERED that the Joint Pretrial Statement (JPTS) is due in the case management division by 5:00 p.m., five (5) judicial days before the FTMC.

IT IS FURTHER ORDERED with the JPTS, Counsel shall deliver to the case management division, copies of the following:

A. A jointly-completed time and witness estimate list. The Court will use the list to predict the length of the trial for the jurors and to direct Counsel to follow the trial time limits established. Any time limitation set will be reasonable presumptive limits subject to modification upon a showing of good cause.

B. A joint set of agreed upon preliminary and final jury instructions, including Preliminary Criminal RAJI or standard RAJI.

C. Separate sets of requested instructions that have not been agreed upon. Please read *Rosen v. Knaub*, 175 Ariz. 329, 857 P.2d 381 (1993).

D. Proposed Voir Dire questions which the Court will give. In jury trial cases the parties shall jointly prepare a brief summary of the case which the Court will read to the jury at the commencement of voir dire.

E. Any juror notebooks. The Court encourages use of juror notebooks in appropriate cases. Stipulating the contents into evidence is necessary. Key exhibits may be included, along with diagrams, photographs, and timelines.

IT IS FURTHER ORDERED that any disclosure and/or discovery shall be completed no later than seven (7) days prior to trial. Any party seeking further disclosure and/or discovery after the discovery deadline shall seek leave of the Court by motion supported by affidavit to extend

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2013-109426-001 SE
CR2012-121949-001 SE
CR2013-420513-001 SE

12/02/2013

the time for disclosure and/or discovery. Parties may extend the deadline by written stipulation which waives any objections to the late disclosure and/or discovery.

MOTIONS IN LIMINE

Any motions in limine shall be filed twenty (20) days before the FTMC and such motions must meet the test of State v. Superior Court, 108 Ariz. 396, 397, 499 P.2d 152 (1972): "The primary purpose of a motion in limine is to avoid disclosing to the jury prejudicial matters which may compel a mistrial." See also, Ariz. Rules of Evidence, Rule 103(c). A written response to a motion in limine may be filed no later than ten (10) days thereafter. The Court will rule on the motions in limine without oral argument. If the Court wishes to hear argument, the argument will be heard at the morning of the FTMC.

PRETRIAL MOTIONS

All pretrial motions must be filed in writing thirty (30) days before the FTMC. All motions must comply with Rule 35.1 including setting forth a sufficient factual basis for the motion. Failure to file a sufficient motion may result in the motion being denied without evidentiary hearing. See: Rule 16.1[c] Rule 16.2 [b]; State v. Anaya 170 Ariz. 436, 443 (1991); State v. Wilson 164 Ariz. 406, 407 (1990) and State v. Alvarado 121 Ariz. 485, 487 (1979).

All pretrial motions shall be filed with this division.

MARKING EXHIBITS

On the day of trial, immediately after receiving notification of the assigned trial judge, the trial lawyers or their knowledgeable assistants shall appear in the assigned trial division to present all exhibits. The exhibits shall be marked serially as they are listed in the LIST OF EXHIBITS which will be prepared by counsel and downloaded onto a disk which should be given to the clerk.

The parties shall advise the division, referring specifically to the pretrial statement, which exhibits may be marked directly in evidence. All exhibits shall be clearly marked to correspond with the list provided. Counsel is directed to meet in person to exchange the exhibits before coming to court. Counsel will make sure that they do not bring to the clerk a set of exhibits that include duplicate exhibits. Written stipulations to admit specified exhibits in evidence are

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2013-109426-001 SE
CR2012-121949-001 SE
CR2013-420513-001 SE

12/02/2013

encouraged.

The Court assigned for trial will hear and rule upon objections at the time of trial. The rulings will be stated on the record, using exhibit numbers. All objections to known exhibits and witnesses must be made before or during the conference with the trial judge or will be deemed to have been waived.

The Court will hear and rule upon objections at the FTMC. The rulings will be stated on the record, using exhibit numbers. All objections to known exhibits and witnesses must be made before or during the FTMC or will be deemed to have been waived.

IT IS FURTHER ORDERED that counsel, at the FTMC, shall be prepared to discuss:

- A. Time limits in voir dire, opening statements, examination of witnesses and closing arguments.
- B. Stipulations for the foundation and authenticity of exhibits.
- C. Jury instructions (preliminary and final), juror notebooks (Counsel shall bring any proposed jury notebooks to the conference), mini-opening statements and voir dire.
- D. Any special scheduling or equipment issues.
- E. Status of settlement of the case.

EXPEDITED DISCOVERY

If there are any issues as to the disclosure required under Rule 15, the parties shall attempt to resolve the issue under Rule 15.7 (b). After personal consultation, the party seeking relief shall file a written motion setting forth the issue and requested relief. This motion, the opposing parties' response, and any reply shall be filed with this division.

All parties shall comply with Rule 15 disclosure orders. Failure to comply could result in sanctions which could include preclusion of witnesses, monetary fines, or any other sanction which is deemed appropriate.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2013-109426-001 SE
CR2012-121949-001 SE
CR2013-420513-001 SE

12/02/2013

FAILURE TO APPEAR

A defendant's failure to appear at any final trial management conference, trial, evidentiary hearing, or any hearing set before the court may result in a bench warrant being issued for his or her arrest and the FTMC, trial, evidentiary hearing or any hearing set before the court may be conducted in the defendant's absence.

CONTINUANCE OF TRIAL

The trial date shall not be continued unless a written motion to continue is filed at least five days before trial. A continuance will not be granted unless the motion shows that extraordinary circumstances exist. (Rule 8.5, Rules of Criminal Procedure and guidelines thereto).

INTERPRETER

It is the responsibility of counsel to notify the court before which a hearing will be held 48 hours in advance of any hearing needing an interpreter for a victim or witness (10 business days for any language other than Spanish).

LAST DAY REMAINS: 04/20/2014.

AS TO CR2012-121949-001:

IT IS ORDERED affirming **Non-Witness Violation Hearing on 01/13/2014 at 8:15 a.m.** before Commissioner Mulleneaux.

IT IS FURTHER ORDERED setting **Non-Witness Violation Hearing on 01/23/2014 at 8:30 a.m.** before this Court.

IT IS FURTHER ORDERED affirming **Non-Witness Violation Hearing on 03/12/2014 at 8:30 a.m.** before this Court and on **03/20/2014 at 8:00 a.m.** before the Master Calendar Assignment Judge.

IT IS FURTHER ORDERED affirming prior release orders.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2013-109426-001 SE
CR2012-121949-001 SE
CR2013-420513-001 SE

12/02/2013

9:33 a.m. Matter concludes.

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>.
Attorneys are encouraged to review Supreme Court Administrative Order 2011-140 to determine their mandatory participation in eFiling through AZTurboCourt.